

Remarks

The above Amendments and these Remarks are in reply to the outstanding Office Action in the above-identified patent application. Claims 1-14 and 180-181 are currently pending. Claims 6-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-5 and 180-181 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,631,486 (*Komatsu et al.*).

I. Rejection of Claims 1-5 and 180-181 under 35 U.S.C. §102(e)

Claims 1-5 and 180-181 are rejected under 35 U.S.C. §102(e) as being anticipated by *Komatsu et al.*

In rejecting claims 1-5 and 180-181, the Examiner stated:

Komatsu et al. discloses in Fig. 3, a test circuit 10, a separate tester 10, this separate tester 10 combine receiver 33 and transmitter 32. Although *Komatsu* does not disclose tester 10 as an element, however, the term "element" can be interpreted as [Merriam-Webster dictionary definition of "element"]....Therefore, a tester or any object that contain transmitter or receiver is considered as an element...(Emphasis added.) Office Action, page 4.

Claim 1 calls for a single "**semiconductor device**, comprising: a test circuit; a first element [transmitter or receiver]; and a second element [transmitter or receiver]..." (Emphasis added.) In contrast, the Examiner has admitted that *Komatsu et al.* does not disclose a single "semiconductor device comprising..." but a "separate tester 10" and a separate "DUT [device under test] 30" (Col. 8, lines 5-13) having "a receiver 33" and "transmitter 32" as shown in Fig. 3.

Claims 2-5 depend from claim 1 and therefore are patentable for at least the reasons stated above in regard to claim 1.

Claims 180 and 181 are patentable for similar reasons stated above in regard to claim 1.

Therefore it is respectfully requested that the rejection of claims 1-5 and 180-181 under 35 U.S.C. §102(e) be withdrawn.

III. Conclusion

Based on the above Amendments and these Remarks, reconsideration of claims 1-5 and 180-181 is respectfully requested.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: November 3, 2006

By: /Kirk J. DeNiro/
Kirk J. DeNiro
Reg. No. 35,854

VIERRA MAGEN MARCUS & DENIRO LLP
575 Market Street, Suite 2500
San Francisco, California 94105-4206
Telephone: (415) 369-9660
Facsimile: (415) 369-9665